

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Mark Anthony Whitaker

Docket No. 3:92-CR-35-4H

Petition for Action on Supervised Release

COMES NOW John Seth Coleman, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Mark Anthony Whitaker, who, upon an earlier plea of guilty to 21 U.S.C. § 846, Conspiracy to Possess with Intent to Distribute Cocaine and Distribution of Cocaine, 18 U.S.C. §§ 924(c)(1) and 2, Use of a Firearm During and in Relation to a Drug Trafficking Offense and Aiding and Abetting, 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2, Possession with Intent to Distribute and Distribution of Cocaine and Aiding and Abetting, 18 U.S.C. § 922(g)(1), Possession of a Firearm by a Convicted Felon, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on May 25, 1993, to the custody of the Bureau of Prisons for a term of 300 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 120 months. Mark Anthony Whitaker was released from custody on July 30, 2015, at which time the term of supervised release commenced.

On August 28, 2017, the court ordered that the defendant shall participate in a program of mental health treatment, as directed by the probation office.

On August 10, 2018, the defendant appeared for a probable cause/detention hearing before the Honorable Robert T. Numbers II, Magistrate Judge, in reference to a Motion for Revocation, based on alleged new criminal conduct. No probable cause was found, and the defendant was released from custody. The Motion for Revocation and the Warrant for Arrest were subsequently withdrawn as of August 23, 2018. Following his release from custody, the defendant moved in with his brother in Washington, D.C., where he has been supervised since that time.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On November 1, 2018, the supervising officer in Washington, D.C. reported that on or about October 2, 2018, the defendant possessed and used a controlled substance (marijuana), in Violation of Standard Condition No. 7. Evidence in support of this charge includes Mr. Whitaker's own admission to using an illegal substance and lab results from the urine sample taken on October 2, 2018. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that the conditions of supervised release be modified as follows:

1. You must participate in an inpatient and/or outpatient substance abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.).
2. You must submit to substance abuse testing to determine if you have used a prohibited substance. You must not attempt to obstruct or tamper with the testing methods.

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Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Eddie J. Smith
Eddie J. Smith
Supervising U.S. Probation Officer

/s/ John Seth Coleman
John Seth Coleman
U.S. Probation Officer
150 Rowan Street Suite 110
Fayetteville, NC 28301
Phone: 910-354-2545
Executed On: November 01, 2018

ORDER OF THE COURT

Considered and ordered this 6th day of November, 2018, and ordered filed and
made a part of the records in the above case.



Malcolm J. Howard
Senior U.S. District Judge